IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.23198 of 2004

Between:

1 N. Viswanatha Achari S/o Bramhaiah Achari
R/o 2/47, Ramnagar, Rajampet, Kadapa District
2 D. Madhu S/o Venkatesh R/o 6/477-2, S.V. Nagar,
Rajampet, Kadapa District

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Panchayat Raj Department, rep

by its Secretary, Secretariat Buildings, Secretariat, Hyderabad
2 The Commissioner, Panchayat Raj, Hyderabad
3 The District Collector, Kadapa District
4 Rajampet Gram Panchayat, Rajampet Village & Mandal, rep by its

Panchayat Secretary,
Rajampet, Kadapa District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, more particularly one in the nature of Writ of Mandamus, declaring the action of the Rajampet Gram Panchayat in passing a Resolution in its emergency meeting held on 25-11-2004 to allot 131 works amounting Rs.1,15,43,000/- (One Crore Fifteen Lakhs Forty Three thousand Only) on nomination basis without calling for tenders as arbitrary and illegal and in violation of Governmental orders and consequently direct the 4th respondent herein to call for tenders for execution of Works in Rajampet Gram Panchayat, Rajampet Mandal, Kadapa District by setting asidethe resolution passed on 25.11.2004 wherein 131 works are allotted on nomination basis.

Counsel for the Petitioners: MR.P.KAMLAKAR

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.4: Mr. C.V. Mohan Reddy

The Court at the stage of admission made the following:

ORDER:

The main grievance of the petitioners is that without following the due process of law and without calling for tenders, the 4th respondent-Gram Panchayat passed a resolution on 25.11.2004 for allotment of developmental works in the area falling under Gram Panchayat to the tune of Rs.1,15,43,000/- on nomination basis. Hence, they filed the present writ petition.

Heard the learned counsel for petitioners, learned Government Pleader for Panchayat Raj and learned Senior Counsel appearing for the 4th respondent-Gram Panchayat.

Sri C.V. Mohan Reddy, learned Senior Counsel appearing for the

4th respondent-Gram Panchayat, on instructions, submitted that as on today there is no cause of action for the petitioners to file the present writ petition and the Gram Panchayat has not taken any decision as alleged by the petitioners and therefore, the writ petition is premature. Learned senior counsel also submits that the 4th respondent Gram Panchayat will follow the procedure prevailing as on today while entrusting the developmental works.

Having regard to the facts and circumstances of the case and having regard to the above submission made by the learned Senior Counsel for 4th respondent-Gram Panchayat that the Gram Panchayat has not taken any decision as on today for allotment of developmental works,

I am of the view that it is premature to come to a conclusion that the Gram Panchayat is going to allot works on the nomination basis without calling for tenders.

In the circumstances, the writ petition is disposed of at the stage of admission with liberty to the petitioner to make a representation before the District Collector against the resolution to be passed by the Gram Panchayat in future in case there is any violation of the prescribed procedure in law pertaining to allotment of developmental works. In such an event, the petitioners' representation/objection may be considered

and disposed of before taking any decision pursuant to such resolution of Gram Panchayat.

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(N.V. RAMANA, J)

Date: 15.12.2004

Nsr/Bsc

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Panchayat Raj Department, Government of Andhra

Pradesh, Secretariat Buildings, Hyderabad
2 The Commissioner, Panchayat Raj, Hyderabad
3 The District Collector, Kadapa District
4 The Panchayat Secretary, Rajampet Gram Panchayat, Rajampet

Village & Mandal, Rajampet, Kadapa District

5 Two CCs to GP for Panchayat Raj and Rural Development, High Court

of AP, Hyderabad (OUT)

6 Two CD copies.